

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRANDAN LEE CAPEK,

)

4:15CV3062

)

Plaintiff,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

)

SAMUEL GROVE, and STATE OF  
NEBRASKA,

)

)

)

Defendants.

)

On September 17, 2015, the court ordered Plaintiff to file an amended complaint within 30 days or face dismissal of this action. To date, Plaintiff has not filed an amended complaint or taken any other action in this matter.

IT IS THEREFORE ORDERED that: This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this court's orders. The court will enter judgment by a separate document.

DATED this 3rd day of November, 2015.

BY THE COURT:

s/ Joseph F. Bataillon

Senior United States District Judge